IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

CWP No. 553 of 2006.

Date of Decision: November 2, 2006.

Nisha Devi and others .....Petitioners.

Versus

State of H.P. & others .....Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.
The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Petitioners: Mrs. Jyotsana Rewal Dua, Advocate.

For the Respondents: Mr. M.S. Chandel, Advocate General with Mr. J.K. Verma, Dy. Advocate General for respondents No. 1 & 2

Mr. Sandeep Sharma, Asstt. Solicitor General of India, for respondent No. 3.

Mr. Kuldip Singh, Sr. Advocate with Mr. Bimal Gupta, Advocate, for respondent No.4.

V.K. Gupta, C. J. (Oral):

CMP No. 1487 of 2006.

For the reasons stated, the application is allowed. Subject to the applicants paying the requisite Court fee within two weeks from today, all

[1] Whether Reporters of Local Papers may be allowed to see the judgment?

eight of them are hereby impleaded as Writ Petitioners No. 11 to 18 in CWP No. 553 of 2006. The amended memo of parties has been annexed with this application which is ordered to be taken on the record. The application is disposed of.

CWP No. 553 of 2006.

Heard learned counsel for the parties.

During the course of hearing of this Writ Petition, Mrs. Jyotsana Rewal Dua, learned counsel appearing for the Writ Petitioners drew our attention to letter No.STV(IT) HF(7) 1 (SCVT)/20947 dated 31st August, 2005 written by the Director, Technical Education, Vocational and Industrial Training, Sundernagar addressed to the Principal Secretary, Technical Education, Government of Himachal Pradesh. She drew our particular attention to para 4 of this letter in the light of the contents contained in paras 2 and 3 thereof. Mrs. Jyotsana Rewal Dua also drew our attention to letter No. F.6.3(Centre)/2003 (CPP-I) dated 3rd July, 2006 from the University Grant Commission addressed to the Registrar of Rajasthan Vidyapeeth, Udaipur with respect to the UGC granting a one time *ex-post facto* approval for the students mentioned in this communication. She submits that subject to our passing appropriate directions qua the Government of Himachal Pradesh and the UGC with respect to the aforesaid two letters dated 31st August, 2005 and 3rd July, 2006 respectively, she has instructions to withdrawn this petition.

In so far as letter dated 31st August, 2005 (supra) is concerned, we do feel that the Director, Technical Education has conveyed to the State Government his well placed and genuine concern about the plight of the students mentioned in this letter. He has recommended two alternative

courses of action for the consideration of the State Government. Agreeing with his views, we direct the Principal Secretary, Technical Education, Government of Himachal Pradesh to consider the aforesaid proposal of the Director, Technical Education on its merits but also keeping in view the interests of the students mentioned therein which, of course would include the petitioners in this petition and subject to maintenance of the quality as well as minimum prescribed standards of education, to take a final decision with regard thereto. The final decision shall be taken within a period of six weeks from today.

In so far as the letter dated 3rd July, 2006 (supra) is concerned, we direct UGC to process the subject matter of this letter on its merits and in accordance with the policy of UGC as well as the norms evolved by it, in the light of the contents of the letter and take a final decision with respect thereto within a period of two months from today. It shall be for the UGC to decide whether the subject matter of this letter would apply to respondent No.4 Institution or the students studying therein. If in the opinion of UGC the subject matter of this letter does apply to respondent No.4 Institution and the students studying therein it shall take a decision with respect to the Writ Petitioners in the light of observations and directions issued by this Court qua the Government of Himachal Pradesh with respect to the communication dated 31st August, 2005 (supra). If in the opinion of the UGC the subject matter of this letter does not apply to respondent No.4 Institution or the students studying therein it shall be for the UGC to take an appropriate decision as directed hereinabove.

We also wish to direct the Chairman, UGC personally to ensure that in the light of the contents of the two affidavits filed by Dr. (Mrs)

Renu Batra, Joint Secretary, UGC, one affidavit filed by her on 16th October, 2006 and the other on 1st November, 2006 to ensure that in the larger interests of the students community in the Country especially the gullible students UGC continues to act as a watch dog with respect to such defaulting Institutions including the deemed Universities as would, in the opinion of the UGC, be indulging in activities not approved by law or the norms or the executive instructions issued by the UGC.

Mrs. Dua, based on the aforesaid directions issued and the order passed, seeks leave of this Court to withdraw this petition. Leave granted. The Writ Petition is dismissed as withdrawn.

It goes without saying that if the petitioners feel that a fresh cause of action accrues to them, they shall be at liberty to approach this Court again.

CMP No. 937 & 1670 of 2006.

In view of the withdrawal of the Writ Petition, both these applications shall stand disposed of.

(V.K. Gupta), C.J.

November 2, 2006. **(Surjit Singh), J.**
(rks)